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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Marco A. Madrueno; and Priscilla Ann) No. CV-09-1413-PHX-DGC
10 Hendrix,)
11 Plaintiffs,) **ORDER**
12 vs.)
13 Michael A. Bosco, Jr., et al.,)
14 Defendants.)

15 This case arises out of a trustee's sale of real property located in Scottsdale, Arizona.
16 Plaintiffs filed their complaint against Defendants on July 6, 2009, alleging numerous causes
17 of action including fraudulent misrepresentation, negligence, civil conspiracy, intentional
18 reckless acts, violation of the Fair Credit Reporting Act, and violation of numerous other
19 federal statutes. Doc. 1. The Court dismissed several Defendants for Plaintiffs' failure to
20 prosecute, but granted leave to amend the complaint, warning Plaintiffs that if the
21 deficiencies described in the motion to dismiss (Doc. 15) were not resolved, the claims would
22 be dismissed with prejudice. Doc. 27. The amended complaint, filed on February 19, 2010,
23 asserted ten claims for relief. Doc. 28.

24 In an order dated April 20, 2010, the Court granted the renewed motion to dismiss
25 (Doc. 31) and dismissed Plaintiffs' claims with prejudice. Doc. 37. The Court found that
26 Defendant Michael Bosco is entitled to an award of reasonable attorney fees under A.R.S.
27 § 33-807(E) because Plaintiffs had not alleged or explained how Bosco, as trustee, breached
28 duties under the deed of trust or Arizona law. *Id.* at 8; *see Schroeder v. M & I Bank*, No. cv-

1 08-2190-PHX-ROS, 2009 WL 210624, at *1 (D. Ariz. July 16, 2009) (awarding fees to
2 improperly joined trustee under § 33-807(E)).

3 Bosco has filed a motion seeking an award of attorneys' fees in the amount of \$4,620.
4 Doc. 39. No response has been filed, and the time for doing so has expired. *See* Doc. 37
5 at 8; *see also* LRCiv 54.2(b)(3). Having reviewed the supporting affidavit of counsel
6 (Doc. 40), and having considered the record as a whole and the relevant fee award factors,
7 *see Hensley v. Eckerhart*, 461 U.S. 424, 429-30 & n.3 (1983), the Court finds the requested
8 fee award to be reasonable and appropriate. *See also* LRCiv 54.2(c)(3) (listing factors
9 bearing on the reasonableness of a fee award); *Associated Indemnity Corp. v. Warner*, 694
10 P.2d 1181, 1184 (Ariz. 1985) (same). The Court, pursuant to A.R.S. § 33-807(E), will grant
11 Bosco's motion and award him attorneys' fees in the amount of \$4,620. *See Cervantes v.*
12 *Countrywide Home Loans, Inc.*, No. CV 09-517-PHX-JAT, 2010 WL 1038658, at *2 (D.
13 Ariz. Mar. 19, 2010) (awarding trustee more than \$9,000 in fees under § 33-807(E)).

14 **IT IS ORDERED:**

- 15 1. Defendant Michael Bosco, Jr.'s motion for award of attorneys' fees (Doc. 39)
16 is **granted**.
- 17 2. Pursuant to A.R.S. § 33-807(E), attorneys' fees in the amount of **\$4,620.00** are
18 awarded in favor of Defendant Michael Bosco, Jr. and against Plaintiffs Marco
19 A. Madrueno and Priscilla Ann Hendrix (also known as Priscilla Ann
20 Saladores).

21 DATED this 21st day of July, 2010.

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David G. Campbell
United States District Judge
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